

The Honorable Lauren King

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Elizabeth A. Campbell,

Petitioner,

vs.

City of Seattle and Seattle School District No. 1,

Respondents.

No. 2:19-cv-1105-JCC

SECOND JOINT STATUS REPORT

A. Nature of the case and procedural background.

This case involves the Fort Lawton Army Reserve Center (“FLARC”), which is owned by the United States Army and located in Seattle. The Army is attempting to dispose of the FLARC under the Defense Base Closure and Realignment Act of 1990 and related federal regulations.

In June 2019, as part of the FLARC disposal process, the Seattle City Council passed: (1) a resolution approving a redevelopment plan to submit to the Army, part of which applies for surplus federal property; (2) an ordinance authorizing an agreement with Seattle School District No. 1 (known as Seattle Public Schools or “SPS”) through which SPS would seek 5–6 acres of that land for athletic fields to be used jointly by SPS and the City; and (3) an ordinance rezoning a portion of the property.

1 To challenge those three City actions and to pursue its other claims and actions,
2 Petitioners Discovery Park Community Alliance (“DPCA”) and Elizabeth A. Campbell filed this
3 case in state court on June 28, 2019. Petitioners claim the City, Army, or SPS committed seven
4 errors: five violations of federal regulations; one violation of City law; and one violation of state
5 law. Petitioners pursue four alternative causes of action: under the Washington Land Use Petition
6 Act; for a statutory writ; for a constitutional writ; or under the Washington Uniform Declaratory
7 Judgments Act.

8 The City removed this case to this Court, which granted: the City’s motion to join the
9 Army and SPS as Respondents (Dkt. # 25); the City’s and SPS’s motion to dismiss DPCA for
10 lack of counsel, leaving Ms. Campbell as the sole Petitioner (Dkt. # 52); and the Army’s motion
11 to dismiss claims against it without prejudice (Dkt. # 64).

12 **B. Other related cases.**

13 The parties are aware of no related cases pending before this Court or in another
14 jurisdiction.

15 **C. Status of named parties and their counsel.**

16 Ms. Campbell appears *pro se*.

17 Counsel have appeared for the City and SPS.

18 **D. Additional Respondents.**

19 Ms. Campbell intends to seek joinder of four other parties as Respondents: (1) United
20 States Department of Education; (2) National Parks Service; (3) Archdiocese of Seattle; and
21 (4) United Indians of All Tribes Foundation. She intends to seek that relief by March 1, 2022.

22 The City and SPS intend to oppose joinder of those or other parties.
23

1 **E. Discovery.**

2 The City and SPS believe discovery is not appropriate because this is an action for review
3 on an administrative record and any discovery deadline passed last year. *See* City’s Notification
4 of Exemption from the Requirements of FRCP 26(a) and 26(f) (Dkt. # 43); Order [on the City’s
5 motion to modify the initial scheduling order] (Dkt. # 31 at p. 3) (“The discovery deadline passed
6 on November 4, 2019.”)

7 Ms. Campbell believes she is entitled to discovery and that the original case schedule,
8 including the discovery deadline, was struck.

9 **F. Motions practice.**

10 As discussed above, Ms. Campbell intends to file a motion to add other parties as
11 Respondents.

12 Approximately six weeks after Ms. Campbell’s motion to add other parties as
13 Respondents is resolved, or if she does not file such a motion by March 1, 2022, the City and
14 SPS intend to file either a Fed. R. Civ. P. 41(b) motion to dismiss for failure to prosecute or a
15 dispositive motion seeking dismissal of this case as a matter of law.

16 **G. Trial or hearing readiness.**

17 Ms. Campbell believes the case must be resolved on the basis of a fact-finding trial after
18 discovery. She believes a trial would last five days and estimates this case would be ready for
19 trial by November, 2022.

20 If any claims or causes of action remain after resolution of the City’s and SPS’s motions,
21 and depending on which defenses and counter-arguments the court has not yet addressed, the
22 City and SPS anticipate any remaining issues being resolved on the basis of a record the City
23 produces after consultation with Ms. Campbell and pursuant to an agreed-upon schedule. The

1 City and SPS believe the Court can resolve those issues on the basis of briefing without a
2 hearing, but that any hearing would require no more than half a day and could be conducted no
3 later than the end of August 2022. The City and SPS believe this case does not merit a trial.

4 Ms. Campbell disagrees with the City's and SPS's assessments that they can dispose of
5 the case through motions and that they need only produce an administrative record to support
6 their positions in this matter.

7 **H. Settlement.**

8 The City and SPS do not intend to engage in alternative dispute resolution and see no
9 genuine possibilities for promptly settling or otherwise resolving the case.

10 Ms. Campbell believes that the parties should avail themselves of any alternative dispute
11 resolution opportunities, and that there are a few possibilities for this matter to be promptly
12 settled.

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1 DATED January 10, 2022.

2 ELIZABETH A. CAMPBELL

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CERTIFICATE OF SERVICE

I certify that on this day I electronically filed this document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

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I also certify that on this day I sent a copy of this document via email to the same individuals.

Dated January 10, 2022, at Seattle, Washington.

/s/ Marisa Johnson
Legal Assistant